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7 Attorneys for the Arizona State Board of Pharmacy

8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**  
9

10 In the Matter of

11 **MICHAEL CASTILLO,**

12 Holder of License No. S008588  
As a Pharmacist  
13 In the State of Arizona

Board Case No. 10-0027-PHR

**CONSENT AGREEMENT  
FOR SUSPENSION AND  
PROBATION**

14  
15 In the interest of a prompt and judicious settlement of this case, consistent with the  
16 public interest, statutory requirements and the responsibilities of the Arizona State Board  
17 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Michael Castillo  
18 ("Respondent"), holder of Pharmacist License Number S008588 in the State of Arizona,  
19 and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law  
20 and Order ("Consent Agreement") as a final disposition of this matter.

21 **RECITALS**

22 1. Respondent has read and understands this Consent Agreement and has had  
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
24 opportunity to discuss this Consent Agreement with an attorney.  
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1           2.     Respondent understands that he has a right to a public administrative  
2 hearing concerning the above-captioned matter, at which hearing he could present  
3 evidence and cross examine witnesses. By entering into this Consent Agreement,  
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative  
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or  
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7           3.     Respondent affirmatively agrees that this Consent Agreement shall be  
8 irrevocable.

9           4.     Respondent understands that this Consent Agreement or any part of the  
10 agreement may be considered in any future disciplinary action by the Board against him.

11          5.     Respondent understands this Consent Agreement deals with Board  
12 Complaint No. 3711 involving allegations of unprofessional conduct against Respondent.  
13 The investigation into these allegations against Respondent shall be concluded upon the  
14 Board's adoption of this Consent Agreement.

15          6.     Respondent understands that this Consent Agreement does not constitute a  
16 dismissal or resolution of any other matters currently pending before the Board, if any,  
17 and does not constitute any waiver, express or implied, of the Board's statutory authority  
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19          7.     Respondent also understands that acceptance of this Consent Agreement  
20 does not preclude any other agency, subdivision, or officer of this State from instituting  
21 any other civil or criminal proceedings with respect to the conduct that is the subject of  
22 this Consent Agreement.

23          8.     Respondent acknowledges and agrees that, upon signing this Consent  
24 Agreement and returning this document to the Board's Executive Director, he may not  
25 revoke his acceptance of the Consent Agreement or make any modifications to the  
26

1 document regardless of whether the Consent Agreement has been signed by the  
2 Executive Director. Any modification to this original document is ineffective and void  
3 unless mutually agreed by the parties in writing.

4 9. This Consent Agreement is subject to the approval of the Board and is  
5 effective only when accepted by the Board and signed by the Executive Director. In the  
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall  
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by  
8 any party, except that the parties agree that should the Board reject this Consent  
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the  
10 Board was prejudiced by its review and discussion of this document or any records  
11 relating thereto.

12 10. If a court of competent jurisdiction rules that any part of this Consent  
13 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
14 shall remain in full force and effect.

15 11. Respondent understands that this Consent Agreement is a public record that  
16 may be publicly disseminated as a formal action of the Board and may be reported as  
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
18 Protection Data Bank.

19 12. Respondent understands that any violation of this Consent Agreement  
20 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-  
21 1901.01(B)(20), -1927(A)(1).

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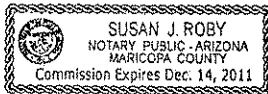
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1 ACCEPTED AND AGREED BY RESPONDENT

2 Michael R. Castillo  
3 Michael Castillo

Dated: 12/21/09

4 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,  
5 this 21 day of December, 2009, by Michael Castillo.



7 Susan J. Roby  
8 NOTARY PUBLIC

9 My Commission expires: Dec 14 2011

10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for licensing and regulating the  
12 practice of pharmacy in the State of Arizona.

13 2. Respondent is the holder of license number S008588 to practice as a  
14 pharmacist in the State of Arizona.

15 3. During all relevant times to these findings, Respondent worked as a  
16 pharmacist at Safeway Pharmacy #2676 in Mesa, Arizona.

17 4. During an interview with Safeway loss prevention personnel in March  
18 2009, Respondent admitted to diverting approximately \$10,000 from Safeway.  
19 Respondent fraudulently activated gift cards, which he would use to buy groceries, fuel  
20 and Visa gift cards.  
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22 5. When Respondent was interviewed by loss prevention personnel, he was  
23 found to have a stack of gift cards in his left front pocket totaling \$390.00.  
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1           2.     Immediately following the period of suspension, Respondent's  
2 pharmacist's license number S008588 is placed on **PROBATION** for two (2) years.

3           3.     Within sixty (60) days from the effective date of this Consent Agreement,  
4 Respondent shall pay a civil penalty of \$1,000.00.

5           4.     Within ninety (90) days from the effective date of this Consent Agreement,  
6 Respondent shall successfully complete the MPJE examination and provide proof of the  
7 successful completion to the Board.

8           5.     Within three (3) years from the effective date of this Consent Agreement,  
9 Respondent shall complete 400 hours of community service approved by Board staff.  
10 Respondent shall ensure that all entities to which he provides community service verify  
11 in writing to the Board the number of hours completed within 30 days of completing the  
12 community service.

13          6.     Throughout the term of Respondent's probation, Respondent shall furnish  
14 all pharmacy employers with a copy of this Consent Agreement. Respondent shall ensure  
15 that all pharmacy employers submit to the Board a written acknowledgement that they  
16 have received a copy of this Consent Agreement within ten (10) days of entering into an  
17 employment relationship with Respondent.

18          7.     Throughout the term of Respondent's probation, Respondent shall not serve  
19 as a preceptor pharmacist or pharmacist in charge.

20          8.     Throughout the term of Respondent's probation, Respondent shall advise  
21 the Board within ten (10) days of any change in pharmacy employment status.

22          9.     Throughout the term of Respondent's suspension and probation,  
23 Respondent shall personally appear before the Board when requested to do so by the  
24 Board or Board staff.

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1           10. Respondent shall pay all necessary fees and complete all continuing  
2 education requirements throughout the term of his suspension and probation to maintain  
3 Pharmacist License No. S008588.

4           11. Respondent shall furnish the Board with a list of all jurisdictions in which  
5 he maintains or has maintained licensure in the profession of pharmacy along with the  
6 registration numbers of said licenses.


7           12. Respondent shall obey all federal and state laws and rules governing the  
8 practice of pharmacy.

9           13. If Respondent violates this Order in any way or fails to fulfill the  
10 requirements of this Order, the Board, after giving the Respondent notice and the  
11 opportunity to be heard, may revoke, suspend or take other disciplinary actions against  
12 Respondent's license. The issue at such a hearing will be limited solely to whether this  
13 Order has been violated.

14  
15           DATED this 13 day of January, 2010.

16  
17           ARIZONA STATE BOARD OF PHARMACY

18           (Seal)

19  
20           By:   
21                HAL WAND, R.Ph.  
22                Executive Director  
23  
24  
25  
26

1 ORIGINAL OF THE FORGOING FILED  
this 14 day of Jan, 2010, with:

2 Arizona State Board of Pharmacy  
3 1700 West Washington, Suite 250  
4 Phoenix, Arizona 85007

5 EXECUTED COPY OF THE FOREGOING MAILED  
BY CERTIFIED MAIL

6 this 14 day of Jan, 2010, to:

7 Michael Castillo  
8 9750 E. Monte Ave.  
9 Mesa, Arizona 85209  
10 Respondent

11 EXECUTED COPY OF THE FOREGOING MAILED  
this 14 day of Jan, 2010, to:

12 Elizabeth A. Campbell  
13 Assistant Attorney General  
14 1275 W. Washington Street, CIV/LES  
15 Phoenix, Arizona 85007  
16 Attorney for the Board

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